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Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Seventieth year

Report of the International Criminal Tribunal for Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the twentieth annual report of the International Criminal Tribunal for Rwanda, submitted by the President of the International Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> "The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

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Letter of transmittal

31 July 2015

I have the honour to submit the twentieth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, dated 31 July 2015, to the General Assembly and the Security Council, pursuant to article 32 of the statute of the International Tribunal.

(*Signed*) Vagn **Joensen**
President

President of the General Assembly
United Nations
New York, NY 10017

President of the Security Council
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Twentieth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

The present annual report outlines the activities of the International Criminal Tribunal for Rwanda for the period from 1 July 2014 to 30 June 2015.

During the past year, the Tribunal marked its twentieth anniversary and continued to work towards closure and transfer its archives and residual functions to the International Residual Mechanism for Criminal Tribunals. During the reporting period, the Appeals Chamber rendered three judgements concerning four persons, bringing the total number of persons whose judgements have been completed at the appellate level to 55. The Tribunal marked the completion before 31 December 2014 of its appeals work in all but one case, with the final judgement on appeal from a trial at the Tribunal, in the multi-accused *Nyiramasuhuko et al.* (*Butare*) case, concerning six accused, expected in the fourth quarter of 2015. The work at the trial level had been completed in 2012.

The Office of the Prosecutor focused on prosecuting the remaining appeals, handing over of responsibility for tracking of fugitives to the Mechanism and providing support for national authorities in the prosecution of crimes relating to the genocide. Continuous support was also extended to Rwandan authorities to assist them in handling the cases transferred from the Tribunal. The Office of the Prosecutor also placed an emphasis on capacity-building and sharing of best practices during the reporting period, releasing several best practices manuals.

The Registry continued to provide a high level of administrative and judicial support to the Tribunal and to the Mechanism. The Registry ensured the cooperation and assistance of Member States with the Tribunal and handed over the Umusanzu Information and Documentation Centre to the Government of Rwanda. The Division of Administrative Support Services continued to ensure the efficient management of the Tribunal's downsizing process and handover to the Mechanism, while at the same time preparing staff members for a life after the Tribunal.

All organs of the Tribunal are devoting their best efforts to completing the work of the Tribunal expeditiously, and a smooth transition to the Mechanism is now well under way. Closure of the Tribunal is projected for 31 December 2015 with only liquidation of the Tribunal's assets expected to continue after that time.

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I. Introduction

1. The present twentieth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 outlines the activities of the Tribunal for the period from 1 July 2014 to 30 June 2015.

2. The Tribunal, through the Office of the President, the Chambers, the Office of the Prosecutor and the Registry, has continued its efforts to meet the goals of its completion strategy, as endorsed by the Security Council in resolution 1503 (2003), with intense appeals judgement drafting and other activities in the Appeals Chamber remaining as the Tribunal's core focus. During the reporting period, the Tribunal continued to hand over responsibilities to the International Residual Mechanism for Criminal Tribunals, the Arusha branch of which commenced operations on 1 July 2012. The smooth transition to the Mechanism is now well under way.

II. Activities of the Tribunal

3. As at 30 June 2015, the Tribunal consists of the Trial Chamber, the Appeals Chamber, the Office of the Prosecutor and the Registry. The President, Judge Vagn Joensen (Denmark), the Prosecutor, Hassan Bubacar Jallow (the Gambia) and the Registrar, Bongani Majola (South Africa) remain the same since the previous reporting period. The terms of the Tribunal's President and Prosecutor, who also serve as the duty judge of the Arusha branch and the Prosecutor, respectively, of the Mechanism, expire on 31 December 2015 in line with projections for completion of the Tribunal's judicial work and closure.

A. Activities of the President

1. Judicial activity

4. During the reporting period, the President issued orders and decisions on a variety of matters in his role as both President of the Tribunal and duty judge of the Arusha branch of the Mechanism. Those decisions and orders related to matters including State cooperation, review of indictments for contempt of court and false testimony, and witness protection review related to both the Tribunal and the International Tribunal for the Former Yugoslavia. The President has also appointed a bench, including himself and two Appeals Chamber judges, to review the four contempt of court/false testimony cases currently pending before the Tribunal in order to determine whether any action is required in these fugitive cases prior to the Tribunal's closure.

2. Completion strategy

5. In close cooperation with the Prosecutor and the Registrar, the President has continued to implement the Tribunal's completion strategy. On 10 December 2014 and 3 June 2015, the President presented the six-monthly completion strategy reports to the Security Council. The work at the trial level was completed in

December 2012 and only one appeal remains. In the course of the reporting period, the Tribunal issued three judgements at the appeals level concerning four persons.

6. Only one appeal from a trial judgement remains, and it is projected to be completed in the fourth quarter of 2015, with formal closure of the Tribunal expected by the end of 2015 pending only liquidation activities thereafter. Replacement of departing staff members proved difficult during the reporting period owing to replacement being a lengthy process, which even in a best-case scenario of swift and smooth replacement cannot compensate for the continuous loss of institutional memory. The Tribunal, through the President, the Prosecutor and the Registrar, reiterated its call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address the staffing situation.

7. The Security Council, in its resolution 1966 (2010) establishing the International Residual Mechanism for Criminal Tribunals, requested the Secretary-General to make the practical arrangements necessary for the commencement of the Mechanism's operations. Under the direction of the Office of Legal Affairs of the Secretariat, the Tribunal has worked closely with the International Tribunal for the Former Yugoslavia and the Mechanism to implement that mandate. The Mechanism successfully opened its Arusha branch on 1 July 2012, following which most judicial and prosecutorial functions have now been handed over from the Tribunal to the Mechanism. The remaining functions are being handed over on a continuous basis at the appropriate time, as agreed upon by the Tribunal and the Mechanism and in line with the Transitional Arrangements and resolution 1966 (2010).

3. Diplomatic relations and other representation

8. The President maintained regular contact with United Nations Headquarters and the diplomatic community in the host country, at the seat of the United Nations, and in other countries. The United Nations Secretariat, and in particular the Office of Legal Affairs, provided important legal advice and diplomatic support to ensure smooth cooperation between the Tribunal, the Security Council and the General Assembly. During the reporting period, the Office of the President also organized workshops on best practices and lessons learned by the ad hoc and hybrid international tribunals and the International Criminal Court. Reports from the two workshops, held in The Hague in September 2014 and May 2015, will be used by the international tribunals and the International Criminal Court to continue the work towards improving efficiency in the administration of international justice.

9. On the occasion of their briefings before the Security Council, both the President and the Prosecutor of the Tribunal participated in meetings of the Security Council Informal Working Group on International Tribunals. That allowed for comprehensive and open discussions with the legal advisers of the members of the Security Council. The Registrar also participated in the June 2015 meeting of the Informal Working Group in order to provide detailed information on the plans for liquidation of the Tribunal's assets following closure.

10. The President continued to work closely with the Registrar to engage in diplomatic efforts towards the relocation of persons acquitted by the Tribunal and those convicted persons who have completed their sentences and have been released from the United Nations Detention Facility in the United Republic of Tanzania through 31 December 2014, at which time the Mechanism assumed that

responsibility. The President and the Registrar continue to work with the Mechanism with the shared goal of increasing cooperation of Member States on the issue of relocation, which will be required in order for the Mechanism to be successful in implementing its strategic plan for relocation that was presented to the Security Council Informal Working Group on International Tribunals in June 2015.

B. Activities of coordination mechanisms

1. Coordination Council

11. The Coordination Council, consisting of the President, the Prosecutor and the Registrar, met regularly to discuss issues affecting the Tribunal, such as the completion strategy, closure plans, staffing, cooperation with the Mechanism and budgetary and financial matters.

2. Plenary session

12. During the reporting period, the Tribunal held its twenty-fifth and final plenary session on 13 May 2015 at The Hague, the Netherlands. The session featured the re-election of the President for a term until 31 December 2015 to coincide with his term of office as judge, as well as the amendment of rule 18 (B) of the Rules of Procedure and Evidence.

3. Rules Committee

13. The Rules Committee submits or discusses proposals for amendments of the Rules of Procedure and Evidence. During the reporting period, the Committee submitted a proposal for addition of text to rule 18 (B), which was considered and adopted at the twenty-fifth plenary session of judges. The text adopted at the plenary session and the most up-to-date version of the Rules of Procedure and Evidence may be found on the Tribunal's website.

C. Activity of the Chambers

1. Composition of the Chambers

14. The Chambers currently comprise one Trial Chamber and one Appeals Chamber and are currently composed of nine permanent judges in the Appeals Chamber and one ad litem judge serving as President.

15. The one remaining ad litem judge, President Vagn Joensen (Denmark), is a member of the Trial Chamber. During the reporting period two permanent judges of the Appeals Chamber who were from the International Criminal Tribunal for Rwanda demitted office upon completion of their work: Judges William H. Sekule (United Republic of Tanzania) and Mehmet Güney (Turkey). One permanent judge of the Appeals Chamber who was from the International Tribunal for the Former Yugoslavia also demitted office during the reporting period upon completion of his work: Judge Patrick Robinson (Jamaica).

16. Following the above-described departures, nine permanent judges currently sit on the Appeals Chamber. Four of them are from the International Criminal Tribunal for Rwanda, namely, Judges Arlette Ramaroson (Madagascar), Khalida Rachid

Khan (Pakistan), Bakhtiyar Tuzmukhamedov (Russian Federation) and Mandiaye Niang (Senegal). The five other permanent judges on the Appeals Chamber are from the International Tribunal for the Former Yugoslavia, namely, Judges Theodor Meron (United States of America) as presiding judge, Fausto Pocar (Italy), Liu Daqun (China), Carmel Agius (Malta) and Koffi Afande (Togo).

2. Principal activity of the Trial Chamber and the Appeals Chamber

(a) Trial Chamber

17. The substantive work before the Trial Chamber is complete.

(b) Appeals Chamber

18. During the reporting period, the Appeals Chamber was seized of appeals from four judgements concerning 10 persons. The Appeals Chamber rendered three final judgements concerning four persons, and 25 pre-appeal orders and decisions.

Appeal judgements: *Karemera and Ngirumpatse*, *Nizeyimana* and *Nzabonimana*

19. On 21 December 2011, Trial Chamber III convicted Édouard Karemera, former Minister of the Interior and Communal Development, and Matthieu Ngirumpatse, former National Party Chairman of the Mouvement républicain national pour la démocratie et le développement (MRND), of direct and public incitement to commit genocide, genocide, extermination and rape as crimes against humanity, and murder as a serious violation of article 3 common to the Geneva Conventions and Additional Protocol II. The Trial Chamber sentenced Karemera and Ngirumpatse to life imprisonment. The Appeals Chamber heard the parties' appeals in February 2014 and pronounced its judgement on 29 September 2014. The Appeals Chamber affirmed Karemera's and Ngirumpatse's convictions, while it reversed certain findings of the Trial Chamber, and also affirmed their sentences of life imprisonment.

20. On 19 June 2012, Trial Chamber III convicted Ildéphonse Nizeyimana, former captain in the Rwandan army, of genocide, extermination and murder as crimes against humanity, and murder as a serious violation of article 3 common to the Geneva Conventions and Additional Protocol II thereto. The Trial Chamber sentenced Nizeyimana to life imprisonment. The Appeals Chamber heard the parties' appeals in April 2014 and pronounced its judgement on 29 September 2014. The Appeals Chamber reversed Nizeyimana's convictions based on some events, including his conviction for extermination as a crime against humanity, but affirmed his convictions for genocide and murder as a crime against humanity and as a serious violation of article 3 common to the Geneva Conventions and Additional Protocol II thereto. The Appeals Chamber set aside the life sentence and imposed a sentence of 35 years of imprisonment.

21. On 31 May 2012, Trial Chamber III convicted Callixte Nzabonimana, former Minister of Youth and Associative Movements, of instigating genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and extermination as a crime against humanity, sentencing him to life imprisonment. The Appeals Chamber heard the parties' appeals in April 2014 and pronounced its judgement on 29 September 2014. While reversing Nzabonimana's convictions based on certain events, the Appeals Chamber affirmed his convictions for

instigating genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and extermination as a crime against humanity. The Appeals Chamber also affirmed his life sentence.

Further appeals from judgement

22. The delivery of the three appeal judgements in September 2014 brought the total number of appeal judgements rendered by the Tribunal to 44, disposing of appeals concerning 55 persons. Deliberations are now in progress in the final case, *Nyiramasuhuko et al.* (also known as the *Butare* case), which concerns six convicted persons, in which the Appeals Chamber heard oral arguments in April 2015.

D. Activities of the Office of the Prosecutor

23. During the reporting period, the work of the Office of the Prosecutor focused on three main areas: completion of remaining appeals and other ongoing litigation; support on a double-hatting basis for core work undertaken by the Office of the Prosecutor of the Mechanism; and compilation of lessons learned and best practices. As progress in completing its work continued, the Office of the Prosecutor implemented additional staff reductions, resulting in the separation of 15 staff members effective 31 December 2014 and a further separation of nine staff members effective 15 May 2015. With this reduction in staffing, the Office of the Prosecutor of the Mechanism continued to assume greater responsibility for all ongoing prosecutorial functions.

24. On 29 September 2014, the Appeals Chamber returned final judgement in the *Karemera and Ngirumpatse*, *Nizeyimana* and *Nzabonimana* cases. It affirmed most of the defendants' substantive convictions for genocide and other crimes, and confirmed the trial chambers' imposition of life sentences against Karemera, Ngirumpatse and Nzabonimana but reduced Nizeyimana's life sentence to 35 years' imprisonment in the light of its reversal of some of his convictions.

25. Litigation in connection with the Tribunal's last appeal, the *Butare* case, continued. As previously reported, the *Butare* case is comprised of six defence appeals and one prosecution appeal. It has generated an unusually high volume of motions before the Appeals Chamber, based primarily on alleged disclosure violations and defence requests for the admission of additional evidence on appeal. The Appeals Chamber has now decided all but one of the pending motions, denying most requests for relief except for allowing the admission of two pieces of additional evidence on appeal. On 26 May 2015, the prosecution filed rebuttal evidence in response to this newly admitted evidence. It is not yet certain whether any further hearing will be required to address this newly admitted evidence. The only motion pending at present before the Appeals Chamber is a defence motion, filed on 4 June 2015, to strike the prosecution's rebuttal evidence.

26. The other principal litigation function completed by the Office of the Prosecutor during the reporting period involved the review and update of disclosure obligations in all completed cases. In the process, the Office of the Prosecutor prepared comprehensive records of all past disclosure, search criteria, and analysis for handover to the Office of the Prosecutor of the Mechanism. Legal staff within the Office of the Prosecutor continued to assist on a double-hatting basis the Office of the Prosecutor of the Mechanism in carrying out other key transitional functions,

including conducting ongoing litigation and archiving official records. In terms of litigation, the Office of the Prosecutor assisted Mechanism prosecutors with defence of the appeal in *The Prosecutor v. Augustin Ngirabatware* case, and responding to multiple requests for the revocation of cases referred to national jurisdictions for trial. On 18 December 2014, the Mechanism Appeals Chamber affirmed Ngirabatware's convictions for direct and public incitement to commit genocide, as well as for instigating and aiding and abetting genocide. It reversed Ngirabatware's conviction for rape as a crime against humanity, and reduced his sentence from 35 to 20 years' imprisonment.

27. With regard to the referral of cases to national jurisdictions, the Office of the Prosecutor supported the Mechanism in investigating and responding to requests for revocation of referral orders filed by Bernard Munyagishari and Jean Uwinkindi. On 8 April 2015, the President of the Mechanism dismissed Munyagishari's third request for revocation, without prejudice to refiling. On 13 May 2015, the President of the Mechanism appointed a trial chamber to consider Uwinkindi's request for revocation. On 22 May 2015, the pretrial judge assigned to Uwinkindi's request issued a scheduling order for briefing in connection with the revocation proceedings. Briefs have not yet been filed.

28. The Office of the Prosecutor also continued to transfer to the Mechanism's Office of the Prosecutor responsibility for the management and preservation of its official records and archives. In April 2015, the entire vault of the Office of the Prosecutor containing the evidence collection was transferred to the Arusha branch of the Mechanism's Office of the Prosecutor. The total number of transfers since the last report amounted to 1,309 boxes of evidence records measuring 187 linear metres, 1,575 boxes of Prosecution records measuring 225 linear metres and 539 boxes consisting of investigation files measuring 77 linear metres. That makes it 3,423 boxes of archival paper records measuring 489 linear metres transferred to the Office of the Prosecutor of the Mechanism. In addition, the Office of the Prosecutor of the International Criminal Tribunal for Rwanda has transferred a further 425 video tapes of evidence consisting of 402 hours, digitized and migrated in a new higher format for long-term preservation. The processing of prosecutorial records continues, with the appraisal and security classification of all records of the Office of the Prosecutor, until the delivery of the *Butare* appeal judgement.

29. The last main area of work undertaken by the Office of the Prosecutor during the reporting period related to the preservation of lessons learned and best practices. On 4 and 5 November 2014, the Office of the Prosecutor hosted the Seventh Colloquium of International Prosecutors. The Colloquium was part of broader legacy events organized by the Tribunal to mark its twentieth anniversary and attracted nearly 100 international and national prosecutors to consider ways of promoting accountability at the national level. On 11 February 2015, the Office of the Prosecutor released a best practices manual on the referral of international criminal cases to national jurisdictions. An updated digest of Appeals Chamber judgements of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia was completed in June 2015. Work on other projects, including a summary of factual findings from all Tribunal judgements, remains under way and is anticipated to be completed in time for the Tribunal's planned closing event. Upon closure, the Office of the Prosecutor also shall submit a formal closing report to the Security Council, detailing many of the key challenges and accomplishments it has faced over the past 20 years of operation.

E. Activities of the Registry

1. Office of the Registrar

30. The Office of the Registrar is responsible, inter alia, for providing support to the Chambers and the Office of the Prosecutor, including providing diplomatic liaison with Member States on a variety of issues, including those designed to meet the requirements of both the defence teams and the Office of the Prosecutor. It is also responsible for the administration of the Tribunal, including human resources and financial management. During the period from 1 July 2014 to 30 June 2015, the Office of the Registrar provided effective court management and filing services to both organs of the Tribunal as well as the Appeals Chamber. It supported the holding of the oral hearings in the *Butare* case as well as judicial filings involving pending contempt cases. It also continued to provide administrative support to defence lawyers, including securing cooperation from Member States.

31. During the period under review, the main activities of the Office of the Registrar focused on supporting the conclusion of the remaining appeals, engaging Member States on a variety of issues, providing support to the Mechanism and preparing the records of the Tribunal for archiving and handover to the Mechanism necessary to achieve an orderly closure of the Tribunal.

32. The Office of the Registrar continued to act as the channel of communication between the Tribunal and the diplomatic community. As such, the Office maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office of the Registrar transmitted more than 114 notes verbales and other correspondence related to the operations of the Tribunal, in particular, to secure support and cooperation from Member States with respect to the remaining appeal cases and the relocation of the acquitted and released persons. The function of relocating and looking after the acquitted and released persons was transferred to the Mechanism on 1 January 2015. The Registry also dealt with a number of inquiries and requests for legal assistance from national jurisdictions.

33. The Office of the Registrar also assisted the Mechanism with its function of monitoring the cases of *Uwinkindi* and *Munyagishari* that were referred to Rwanda for trial, as well as the two cases referred to France.

34. The Registrar continued to work closely with the President to deploy all efforts to find host countries for the now eight remaining acquitted persons and three released convicts. In this regard, until the end of 2014 when the function was handed over to the Mechanism, the Registrar visited a number of Member States in Africa, Europe and South America and also engaged the Government of Rwanda and the African Union with the aim of finding a solution to the problem of relocation. During the period under review, the Tribunal has continued to encounter obstacles in relocating these individuals, though there has been one positive development to report. In September 2014, Belgium granted a family reunion visa to one acquitted person, General Augustin Ndindiliyimana, and allowed him to move to Belgium immediately. The Tribunal will continue until its closure to assist the Mechanism in implementing its strategic plan to find a sustainable solution to this issue.

35. The Tribunal welcomed in Arusha a total of 1,732 visitors, including high-level United Nations and government officials, academics, civil society,

non-governmental organizations and the general public, during the reporting period. The Office of the Registrar also managed the wide dissemination of information about the Tribunal's activities by means of press meetings, newsletters and press releases as well as the website, films and information brochures in English, French and Kinyarwanda. During the period under review, the Office of the Registrar introduced some public information literature in the Kiswahili language, the most popular language in the East and Central African region, to further promote the work of the Tribunal. Through its External Relations Communication and Outreach Unit, the Office distributed more than 5,000 copies of the Tribunal's Cartoon Book as well as more than 3,500 copies of other brochures in English, French and Kiswahili, which is part of the Tribunal's youth sensitization project in the five East African countries, namely, Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. It also briefed the more than 1,700 visitors, including students, academics, military officers, media practitioners and government and non-government officials as well as members of the public, who visited and toured the Tribunal. Media outreach events and exhibitions were held in Arusha, Kigali, Dar es Salaam, Nairobi and Johannesburg.

36. At these events, film screenings, talks and discussions on the work of the Tribunal were held. The Unit also processed numerous local and international media enquiries and broadcast via satellite court proceedings in the cases of *The Prosecutor v. Nyiramasuhuko et al.*; *The Prosecutor v. Augustin Ngirabatware*; *The Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse*; *The Prosecutor v. Ildéphonse Nizeyimana*; and *The Prosecutor v. Callixte Nzabonimana*. The Office of the Registrar maintains an open line of communication with universities and other educational institutions in the region. In November 2014, the Office participated in planning and organizing the twentieth anniversary events of the International Criminal Tribunal for Rwanda in Arusha, which brought together hundreds of scholars and legal practitioners as well as politicians, government officials and media practitioners from all corners of the world. Apart from distributing public information materials during the event, the Tribunal also launched a new short film on its work which is now posted on the Tribunal's website. In April 2015, the Tribunal participated in an event held to commemorate the twenty-first anniversary of the Rwandan Genocide in Dar es Salaam. The event was jointly organized by the United Nations Offices in the United Republic of Tanzania, the Rwanda High Commission and the Government of the United Republic of Tanzania. The Tribunal set up two major exhibitions of its work during the commemoration event.

37. The Umusanzu Information and Documentation Centre in Kigali and 10 additional provincial information centres located across Rwanda continued to play a key role in promoting outreach activities of the Tribunal through information dissemination, improved communication and access to the jurisprudence and other legal materials of the Tribunal. The centres are visited daily by members of the Rwandan judiciary, students, researchers and the public, who are provided with informative materials and have access to briefings, training, library services, video screenings and the Internet.

38. Significantly, the Umusanzu Information and Documentation Centre continued to receive greater awareness and use by senior government officials, including members of the military, and the police. The Centre was also regularly visited and used by civil society organizations from Rwanda and other countries, including Canada, Ethiopia, Nigeria, South Africa, the Sudan, Switzerland and the United

States of America, which are on official study and/or attachment visits in Rwanda. The Tribunal handed over the Umusanzu Information and Documentation Centre to the Government of Rwanda on 30 December 2014.

39. The Office of the Registrar continued its partnership with the Department of Public Information of the United Nations Secretariat in promoting outreach in Rwanda through the Centre.

Archives

40. During the period under review, the Tribunal continued with the preparation of its records, including hard copies, born-digital/electronic and audiovisual records for transfer to and management by the Mechanism. In order to ensure the smooth transfer of the remaining records, the Tribunal continued to collaborate very closely with the Mechanism in that regard, especially to ensure that the records are prepared in a manner that will facilitate their effective management by the Mechanism after transfer. During the reporting period, the Tribunal developed and implemented a strategic framework for the three components of the archiving project in order to streamline the preparation and transfer of its records:

(a) Digital/Electronic Records Management Project. The measures that have been taken to prepare for the disposition of the digital records include an appraisal and re-housing of the records in systems across the Tribunal, including shared drives and personal workspaces, and the planning and implementation of the transfer process. In this regard, focus was placed on the folders from offices where long-term to permanent records are created.

(i) The Tribunal is also implementing an E-mail Capture Project, to capture both legacy and current e-mail accounts of staff members who played a significant role in the history of the Tribunal, excluding the e-mail accounts of all judges and Chambers staff who are considered out of scope because of their involvement in judicial deliberations. An automatic harvesting tool had been set up to capture and redirect Capstone accounts from the restored tapes to individual folders on the International Criminal Tribunal for Rwanda server. These tapes will be transferred to the Mechanism, along with the de-duplicated Capstone account folders.

(ii) The December 2014 asset transfer of the Tower Records and Information Management (TRIM) as well as DIVA Content Storage Management systems, comprising, respectively, 755 gigabytes of judicial and administrative records as well as 781 terabytes of audiovisual records, represented a huge milestone for the Tribunal's Archiving Project. The technical management of four remaining data sets is being carried out by the Mechanism.

(b) Audiovisual Redaction Project: At the end of 2013, a target was set for 6,000 hours each of redacted video material in English, French and Kinyarwanda to be handed over to the Mechanism at the close of the Audiovisual Redaction Project in December 2014. These video files were in addition to the audio files that had been previously completed. By the previously anticipated close of the project on 31 December 2014, a total of 6,488 hours of video footage had been marked for redaction, surpassing the 6,000-hour goal for this stage of the work. At this point, most of the marked material had passed quality control and 5,851 hours had undergone the final assembling of audio tracks and archiving stage of the workflow,

leaving a balance of 637 hours yet to be completed. All the outstanding wrapping and archiving was completed by a Tribunal skeleton team by 15 April 2015.

(c) Physical Records Management Project: During the reporting period the International Criminal Tribunal for Rwanda made significant progress in the preparation and transfer of physical records to the Mechanism. The revised Retention Schedule of the Tribunal, which addresses some gaps in the approved 2012 version, has officially been approved for implementation by the Office of Legal Affairs. As at 30 June 2015, the Tribunal had transferred to the Mechanism 1,812 linear metres of physical records out of an estimated total of 2,267 linear metres of records with long-term to permanent value anticipated for transfer by its closure in 2015. The overall transfer progress is currently 80 per cent of the revised estimates projected for transfer, with more than 96 per cent of judicial records already transferred to the Mechanism.

2. Judicial and Legal Affairs Section

41. During the reporting period, the Judicial and Legal Affairs Section provided legal support to the appeals process, the Office of the President and the Registrar and supervision of activities related to court management, defence counsel, detainees at the United Nations Detention Facility and acquitted and convicted persons released in the United Republic of Tanzania.

42. During the period under review, the Section provided court management support services to the judicial processes of the Tribunal and the Mechanism, including the provision of minutes and transcripts of appellate proceedings in the following cases: *Nizeyimana*, *Nzabonimana*, *Karemera and Ngirumpatse* and *Nyiramasuhuko et al*. It continued to prepare judicial records for transfer to the Mechanism. The Section also provided support to the Chambers, the Office of the Prosecutor and the appointed amici curiae in the pending four cases of contempt/false testimony currently under review by a specially appointed chamber.

43. As part of its support to defence counsel and detainees (throughout the reporting period) and its support to acquitted and convicted persons released in the United Republic of Tanzania (through 31 December 2014), the Section provided essential services, including the management of payments to defence counsel and attending to requests from detainees and released persons in the United Republic of Tanzania related to services provided by the Tribunal.

44. During the period under review, the Section worked closely with the Mechanism on matters related to witness and victims' support by preparing witness files for handover in completed cases before the Tribunal. In accordance with protective measures ordered by the Chambers, transcripts were redacted to expunge identifying information concerning witnesses or their family members prior to the transcripts being made public.

45. During the reporting period, the Section also assisted the Division of Administrative Support Services in its important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules. The Section assisted the Office of the Registrar with staff members' appeals related to the downsizing and retention processes, matters affecting staff members' terms of appointment or contract of employment, and

investigations of allegations and misconduct, in some cases in collaboration with the Office of Internal Oversight Services.

46. The United Nations Detention Facility, as at 30 June 2015, housed a total inmate population of 13 detained persons. Those include 6 convicted persons awaiting appeals judgements and 7 convicted persons awaiting orders for transfer for the enforcement of sentences by the Mechanism.

47. The Language Services Section continued to provide interpretation and translation services in English, French and Kinyarwanda to the Tribunal and the Mechanism during proceedings conducted before the Appeals Chamber and the Mechanism. In this regard, the Section processed documents emanating from the Mechanism, the Appeals Chamber and the parties (prosecution and defence). It also provided the same services to the Office of the Prosecutor, the Registry and other Tribunal and Mechanism departments. During the reporting period, in addition to translating trial and appeals judgements and decisions from the accrued backlog, the Section received a number of documents for translation, including five appeal briefs and many other appeal-related filings from different parties, numerous decisions as well as other judicial and administrative documents from the Appeals Chamber, the Registry, the Office of the Prosecutor and the Office of the President. The Section also received numerous documents from the Mechanism for translation, including reports, submissions, decisions, orders and documents relating to transferred cases and judgements from Rwandan courts. Given the reduction in the number of court sessions, interpreters have continued to assume a significant portion of the translation workload, thereby enabling the Section to substantially improve delivery times in the first half of the reporting period. However, with the drastic reduction in staff in December 2014 in compliance with the Tribunal's completion strategy, it is becoming increasingly difficult to cope with the workload of documents from the Appeals Chamber, the Mechanism and the Office of the Prosecutor requiring translation, while at the same time continuing to cope with the backlog of remaining trial and appeals judgements. It has become imperative to prioritize requests and deal with them as and when possible.

48. Since 1 January 2014, the Legal Library and Reference Unit, formerly in the Judicial and Legal Affairs Section of the Tribunal, has been managed by the Mechanism. Information on its collection and projects may therefore be found in the Mechanism's annual report.

3. Division of Administrative Support Services

49. The Division of Administrative Support Services carries the responsibility of providing a wide range of services, such as budget and finance, medical services, security, travel, human resources, training and counselling services, buildings management and property control. During the reporting period, the Division also provided some administrative services to the Mechanism in line with the provisions of Security Council resolution 1966 (2010).

50. The Division is currently involved in the preparations for the implementation of Umoja under Cluster 4. In addition, it continues to liquidate excess assets that are no longer required in line with the International Criminal Tribunal for Rwanda liquidation plan.

51. The process of downsizing continued to pose major challenges to the operations of the entire Tribunal, and the Division has continued to respond to those challenges in a proactive and flexible manner. Staff retention exercises were conducted in order to determine the number and composition of staff to be retained until the completion of the Tribunal's work.

52. The Human Resources and Planning Section continued to undertake a smooth and objective downsizing process with respect to the large number of staff separating from the Tribunal. Repatriation, relocation and career counselling, in addition to the other staff administration and recruitment activities, made up the majority of the workload of the Section during the reporting period. In 2003, the Tribunal staff originated from 87 different countries. As at 30 June 2015, the staff were from 52 different countries.

53. With more than 50 per cent of the Tribunal's workforce consisting of staff members who have been with the Tribunal since its inception, the looming closure and few options for future jobs has been a source of stress and concern that the Tribunal has to deal with as part of the completion strategy. In the area of human resources management, it should also be noted that since its inception, the Tribunal has continuously grappled with the challenges of attracting and retaining qualified staff for the following reasons:

(a) The ad hoc nature of the Tribunal as an organization with a limited lifespan was an impediment to attracting and retaining qualified and dedicated professionals at the Tribunal;

(b) Arusha was not very attractive as a duty station and many people were reluctant in the beginning to come and work there;

(c) Although the statute of the International Criminal Tribunal for Rwanda was clear, what has never been clear was the status granted to the Tribunal's staff and whether they belonged to the United Nations Secretariat or not;

(d) Short-term contracts with limited benefits also adversely affected the recruitment and retention of staff. Many people were reluctant to come and work in Arusha, and the short duration of contracts issued to current staff members continued to contribute to increased uncertainty and to have a negative impact on productivity. Some of the limitations to temporary appointments have the potential to create a negative impact on the timely liquidation of the Tribunal's assets and liabilities, which is also part of the completion strategy.

Staff retention process of the International Criminal Tribunal for Rwanda

54. An important part of the completion strategy of the International Criminal Tribunal for Rwanda was the establishment of a staff retention policy. The Tribunal's retention policy was a result of the decision to downsize staff towards the closure of the Tribunal. The retention exercise, being a top priority of the management, entailed the continuation of the Tribunal's work with a reduced workforce. The retention process centred on the following issues: determining who would be retained, how such a determination would be made, preventing essential staff from leaving *en masse*, and coping with the mass separations. To address the situation, the International Criminal Tribunal for Rwanda adopted an ad hoc review mechanism that entailed the establishment of a retention task force to propose review criteria, the establishment of section retention panels and the appointment of

an advisory retention review committee to review contentious cases and make recommendations to the management.

Exceptional measures

55. In order to assist the International Criminal Tribunal for Rwanda in retaining the staff it needs to complete its work before the scheduled closure date, the Office of Human Resources Management of the Secretariat was extremely cooperative in providing to the Tribunal and its sister tribunal, the International Tribunal for the Former Yugoslavia, within the boundaries of the rules, some exceptional measures in the areas of staff administration and recruitment. Those measures were intended to provide much needed motivation in the retention of essential staff to complete the work of the Tribunal. One of the measures of significant importance was the authority to extend the services of staff beyond the age of retirement, so as not to bring any disruption in the work, to preserve institutional memories at a crucial time, and to avoid lengthy recruitment procedures.

56. The Career Development and Counselling Unit is implementing a four-pronged strategy to support the completion of the Tribunal's mandate, as follows:

(a) Training programmes to support personal and professional transition of staff, aimed at providing management and staff with skills to meet the challenges of organizational change and downsizing, multitasking and double-hatting. They also aim to provide staff with skills to successfully make the transition to another job, self-employment or retirement, as the case may be;

(b) Programmes to support completion of operations: these are technical training programmes aimed at helping sections to complete their operations successfully, either to close down or transfer functions to the Mechanism;

(c) Stress counselling and coaching support during the completion process: this aims to help staff and their families to deal with the stress and challenges of the downsizing, and to coach them on issues such as interview preparation, career planning, problem solving and decision-making;

(d) Provision of welfare support to separating and relocating staff and families: this is aimed at providing practical help and information during separation and relocation, and promoting physical fitness and social well-being of the Tribunal's staff and families during the final period of the Tribunal.

57. The Security and Safety Section continued to support the Tribunal and the Mechanism's Arusha branch in ensuring the safety and security of their staff, premises, assets and operations through implementation of United Nations security management system policies, including the Minimum Operating Residential Security Standards (MORSS) and the Minimum Operating Security Standards (MOSS). With the ever-increasing levels of insecurity in the East Africa region exacerbated by recent arrests of Al-Shabaab sympathizers, including the recovery of significant amounts of explosive materials, the Section has continued to promote close collaboration with the host government authorities in monitoring security trends and ensuring that appropriate measures are in place to provide adequate notification and implementation of well-rehearsed mitigating measures for United Nations staff in the Arusha/Kilimanjaro regions.

58. The Health Services Unit was instrumental, as one of the administrative support services, for the smooth running of court sessions and of the Tribunal in general. The Unit essentially provided curative and preventive care and trauma counselling support, and performed medico-administrative duties for staff members and officials of the Tribunal and the Mechanism and their dependants. It is also responsible for providing medical services to detainees, witnesses, victims and acquitted persons. This provision of medical care allowed detainees and witnesses to attend scheduled court sessions easily without absenteeism or delays for health reasons.

59. The Information Technology Services Section continues to support the Mechanism's information technology infrastructure in Arusha and Kigali and sustaining services required by the Tribunal through this final stage of its completion strategy.

60. In the area of resources management, the Budget and Finance Section continued to provide expertise on proper planning, control and monitoring of the utilization of available resources as well as timely and reliable services to staff members and clients of the Tribunal. The Tribunal's first set of financial statements compliant with the International Public Sector Accounting Standards (IPSAS) was produced and is currently with the United Nations Board of Auditors for its review. Preparations for the implementation of Umoja are also ongoing.

61. The General Services Section provided vital support to the Tribunal, which included realignment of office space, preparing administrative documents for archiving, construction of a temporary archives facility, general repairs and maintenance and asset control and management. During the reporting period, Building Management Services continued to review use of office space in line with the completion strategy, and apart from the staff of the Office of the Prosecutor, all Tribunal staff members have been consolidated into one wing of the Arusha International Conference Centre complex. All courtrooms, apart from the one being retained for the use of the Appeals Chamber and the Mechanism, have been dismantled and the space has been reorganized or returned to the landlord. Among the Section's achievements were the gradual reduction of office space usage from a peak of 10,859.00 square metres in 2003 to 6,083.83 square metres as of 1 July 2015. The temporary archives facility has also been handed over to the Mechanism. Liquidation of assets has continued in earnest. As at 30 October 2013, the International Criminal Tribunal for Rwanda had 2,635 non-expendables worth $12,324,199.14, 3,925 expendables, excluding furniture, worth $1,881,843.46 and 267,238 consumables valued at $1,602,508.24. By 30 June 2015 there were 2,174 non-expendables remaining valued at $9,605,976.44, 2,567 expendables valued at $1,171,639.53 and 83,766 consumables worth $941,080.94. These achievements were remarkable not least because they had been brought to fruition in the face of challenges such as staff reduction and the combination of going into liquidation with preparation for the implementation of Umoja.

62. With the impending closure of the Tribunal, the main function of the Procurement Section has been the disposal of the Tribunal's assets and transferring those that may be utilized by the Mechanism into its custody. During the reporting period, the procurement workload has also increased owing to demands for the procurement, shipping and clearing of items procured for the Mechanism.

63. The Administrative Legal Services Unit has continued to play an important legal advisory role for issues pertaining to the proper implementation and

interpretation of United Nations administrative rules, cases relating to the privileges and immunities of staff regarding civil and criminal cases, and disputes related to domestic employees of Tribunal staff members. In addition, the Unit has been assisting the Registrar with appeals related to the downsizing and retention processes, performance evaluations and investigations of allegations and misconduct in collaboration with the Office of Internal Oversight Services. The Unit has also been responsible for coordination activities of all other oversight bodies.

III. Conclusion

64. The Tribunal has made significant achievements during the past year towards the goals of the completion strategy in the face of a very high workload, and significant progress was made on the appeals and on the transition to the Mechanism. The reporting period continued to see concrete progress towards closure of the Tribunal, which is now expected by the end of 2015. In the final months, the focus is now entirely on the transition to the Mechanism and the completion of the one remaining appeal in an efficient and timely manner without compromising fair trial rights.

65. State cooperation remains the cornerstone for the ability of the Tribunal to complete its mandate and for the Mechanism to continue its residual functions. The Tribunal appreciates the continued trust and support of Member States, especially on crucial matters that have now been transferred to the Mechanism, including tracking efforts with respect to the remaining fugitives. The Mechanism will require, however, increased cooperation with respect to its efforts to relocate acquitted persons and those convicted persons released in the United Republic of Tanzania. In this respect, the President and the Registrar continued their efforts to find States for relocation during the first half of the reporting period, after which that responsibility was handed over to the Mechanism on 1 January 2015. The Tribunal hopes that Member States will actively contribute to finding a meaningful solution.

66. Finally, as the Tribunal continues to separate staff pursuant to the completion strategy, the request for absorption of the Tribunal's staff members into the United Nations system is re-emphasized. The Tribunal would appreciate increased support from Member States in addressing its numerous challenges.

67. The Tribunal's efforts regarding capacity-building, training and education, which have now expanded beyond East Africa, remained strong during the reporting period. This included events marking the twentieth anniversary of the Tribunal's creation and the sharing of best practices and lessons learned with other international tribunals and domestic authorities through workshops, best practices manuals and training.

68. The closure of the International Criminal Tribunal for Rwanda is imminent, and an event to mark the Tribunal's closure is planned for November 2015. By the end of 2015, the Tribunal will be in its liquidation phase and the Mechanism will have fully assumed jurisdiction and responsibility for residual functions and the archives of the Tribunal. In order to achieve what is necessary prior to closure, the Tribunal again calls upon the international community to provide it with the support necessary to achieve completion of its mandate.